

PATENT APPLICATION NO. 10/722,556

Attorney Docket No. ST3001-0035

Page 7

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the above amendments to the claims and following remarks.

**Summary of Office Action**

In the November 15, 2004 Office Action, claims 1-3, 6, 11, 12, 18 and 19 were objected to for informalities.

Claims 1-3, 6, 11, 12, 18 and 19 were rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,583,444 to Fjelstad (Fjelstad'444).

Claim 4, 5, 7-10, 13-17 and 20 were withdrawn from consideration as being non-elected.

**Summary of Response to Office Action**

By this Amendment, Claims 1, 18, 19 and 20 have been amended. The claims currently pending in this application are Claims 1-20. Claims 1, 18, and 20 are the only independent claims.

**Response To Objection**

Claims 1-3, 6, 11, 12, 18 and 19 were objected to in the November 15, 2004 Office Action for various formalities. By this Amendment, claim 1 is amended to remove the objected-to phrase, "in a surface" (of said optically transmissive resin), so as to moot the objection.

With regard to the objection of claim 11, it is respectfully submitted that the specification fully supports the claimed features. For example, paragraph [0048] of the specification indicates that "two wires for connecting the upper electrodes on the LED to the metallic films are provided for the anode and cathode. Depending on the type, the

PATENT APPLICATION NO. 10/722,556

Attorney Docket No. ST3001-0035

Page 8

LED chip may have the anode and the cathode that is formed on the lower and upper surfaces, respectively..." At least this portion of the specification in combination with the drawings provide support for the features of claim 11.

Claim 12 was also objected to for "reciting subject matter that the LED has two upper electrodes and a lower electrode." However, claim 12 is directed to "an optically transmissive resinous lens...formed above said light emitting diode chip." Thus, it is respectfully submitted that the inclusion of claim 12 in the objection was in error.

With regard to the objection to claim 19, by this Amendment, the term "the" is included immediately prior to the phrase "at least one upper electrode" to better characterize this feature of the claim, as requested by the Examiner. It is respectfully submitted that this Amendment to claim 19 does not change or alter the scope of the claim in any way, and provides merely a cosmetic fix to the claim in order to respond to the objection noted in the outstanding Office Action.

In view of the above amendments and arguments, it is respectfully submitted that all claims are free of minor informalities. Withdrawal of the objections is respectfully requested.

PATENT APPLICATION NO. 10/722,556

Attorney Docket No. ST3001-0035

Page 9

**Pending Claims Define Allowable Subject Matter**

In the November 15, 2004 Office Action, claims 1-3, 6, 11, 12, 18 and 19 were rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,583,444 to Fjelstad (Fjelstad'444). This rejection is respectfully traversed for the following reasons.

Fjelstad'444 discloses a semiconductor package that has a light-sensitive chip. As shown in Fig. 8B of Fjelstad'444 (reproduced below right), the semiconductor package 310 can include a light emitting chip 332 that is attached to a metallic conductive layer 374. The metallic conductive layer 374 is attached at its lower surface to a conductive base 326, which serves as an electrical connection for the package 310. A first chip contact 333 located on the front face 334 of the chip 332 is electrically connected to a conductive pad 328 by a conductive wire 344. The conductive pad 328 also serves as an electrical connection for the package 310.

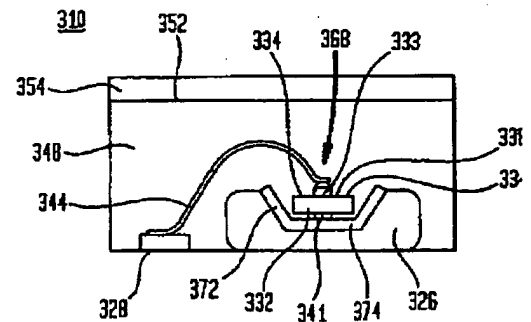


Fig. 8B of Fjelstad'444

By contrast, claim 1 includes the feature of a light-emitting diode chip that includes a metallic film exposed at the bottom mount surface of the light-emitting diode, and claim 18 includes the feature of at least one metallic film formed directly on and exposed from a surface of said optically transmissive resin. Fjelstad'444 fails to disclose or teach at least these features of independent claims 1 and 18. Moreover, the metallic conductive layer 374 attached to the chip 332 in Fjelstad'444 is completely encapsulated between the conductive base 326 and an encapsulant 348.

Because Fjelstad'444 fails to disclose or teach each and every feature of either of Applicant's pending independent claims 1 or 18, Fjelstad'444 cannot anticipate the claims. Accordingly, it is respectfully submitted that independent claims 1 and 18 and all claims depending therefrom define over the art of record and are in form for allowance. Withdrawal of the rejection under 35 U.S.C. §102(e) is respectfully requested.

PATENT APPLICATION NO. 10/722,556

Attorney Docket No. ST3001-0035

Page 10

In accordance with the Commissioner's position in 1184 O.G. 86, Applicant intends to request rejoinder of method claim 20 when a product claim is deemed allowable. Accordingly, by this Amendment, Applicant amends claim 20 to include the features of independent claim 18 in order to comply with the Commissioner's rejoinder requirements.

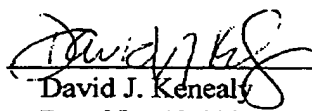
**Conclusion**

Early and favorable action with respect to this application is respectfully requested. Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-2821. If a fee is required for an extension of time under 37 C.F.R. § 1.136 is not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account No. 50-2821.

Respectfully submitted,  
**Cermak & Kenealy LLP**

Dated: January 26, 2005

By:   
David J. Kenealy  
Reg. No. 40,411

**Cermak & Kenealy LLP**  
23 W. Myrtle St.  
Alexandria, VA 22301  
Tel: (703) 518-8485

**Customer No.: 39083**